IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4031 OF 2006

OFFICE NOTES, OFFICE MEMORANDUM OF CORAM, APPEARANCES, COURT'S ORDERS OR DIRECTIONS AND REGISTRAR'S ORDERS	COURT'S OR JUDGES ORDERS

Shri N.S.Nappinai i/by Jayshri Manjarekar for the Applicants.
Mrs M.M.Deshmukh, A.P.P for the Respondent.

CORAM : A. S. OKA, J.
DATE : DECEMBER 06, 2006.

P.C.:

1. Heard the Advocate for the Applicants. Warrant issued against the Applicant Nos.2 to 5 has been already cancelled by the learned Trial Judge on the basis of the order passed by this court on 13th November, 2006.

2. Prayer in this Application under section 482 of the Code of Criminal Procedure, 1973 is for quashing proceeding of a private complaint filed by the third Respondent. Process has been already issued on the said private complaint.

3. In view of the decision of this

court in the case of V.K.Jain & Ors. Vs. Pratap V. Padode & Anr [(2005)3 Maharashtra Law Journal Page 778] the Applicants can always challenge the order issuing process by filing a revision Application before the appropriate court of Sessions. Remedy under section 482 of the said Code has to be resorted to very sparingly and only in exceptional cases.

4. In view of this position, Application is rejected. Notwithstanding rejection of the Application, it will be open for the Applicants to file a revision Application before appropriate court for challenging order issuing process. All contentions of the Applicants are kept upon.

JUDGE